

FILED IN THE U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NOV 28 2023

SEAN F. MCAVOY, CLERK
_____, DEPUTY
YAKIMA, WASHINGTON

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Case No.: 1:23-CR-2036-MKD-2

Plaintiff,

Plea Agreement

V.

JESSE LEE JOHNSON,

Defendant.

Plaintiff United States of America, by and through Vanessa R. Waldref, United States Attorney the Eastern District of Washington, and Christopher J. Bridger, Assistant United States Attorney for the Eastern District of Washington, and Defendant Jesse Lee Johnson (“Defendant”), both individually and by and through Defendant’s counsel, Assistant Federal Defender Paul Shelton, agree to the following Plea Agreement.

1. Guilty Plea and Maximum Statutory Penalties

Defendant agrees to enter a plea of guilty to the sole Count of the Indictment filed on June 13, 2023, which charges Defendant with Conspiracy to Distribute 500 Grams or More of Methamphetamine, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(viii); all in violation of 21 U.S.C. § 846, a Class A felony.

Defendant understands that the following potential penalties apply:

- 1 a. a term of imprisonment of not less than 10 years and up to a
2 lifetime;
- 3 b. a term of supervised release of not less than 5 years and up to a
4 lifetime;
- 5 c. a fine of up to \$10,000,000;
- 6 d. a \$100 special penalty assessment; and
- 7 e. denial of certain federal benefits pursuant to 21 U.S.C. §§ 862
8 and 862a.

9 2. Supervised Release

10 Defendant understands that if Defendant violates any condition of
11 Defendant's supervised release, the Court may revoke Defendant's term of
12 supervised release, and require Defendant to serve in prison all or part of the term
13 of supervised release authorized by statute for the offense that resulted in such term
14 of supervised release without credit for time previously served on postrelease
15 supervision, up to the following terms:

- 16 a. 5 years in prison if the offense that resulted in the term of
17 Supervised Release is a class A felony,
- 18 b. 3 years in prison if the offense that resulted in the term of
19 Supervised Release is a class B felony, and/or
- 20 c. 2 years in prison if the offense that resulted in the term of
21 Supervised Release is a class C felony.

22 Accordingly, Defendant understands that if Defendant commits one or more
23 violations of supervised release, Defendant could serve a total term of
24 incarceration greater than the maximum sentence authorized by statute for
25 Defendant's offense or offenses of conviction.

26 3. The Court is Not a Party to this Plea Agreement

1 The Court is not a party to this Plea Agreement and may accept or reject it.

2 Defendant acknowledges that no promises of any type have been made to

3 Defendant with respect to the sentence the Court will impose in this matter.

4 Defendant understands the following:

- 5 a. sentencing is a matter solely within the discretion of the Court;
- 6 b. the Court is under no obligation to accept any recommendations
- 7 made by the United States or Defendant;
- 8 c. the Court will obtain an independent report and sentencing
- 9 recommendation from the United States Probation Office;
- 10 d. the Court may exercise its discretion to impose any sentence it
- 11 deems appropriate, up to the statutory maximum penalties;
- 12 e. the Court is required to consider the applicable range set forth
- 13 in the United States Sentencing Guidelines, but may depart
- 14 upward or downward under certain circumstances; and
- 15 f. the Court may reject recommendations made by the United
- 16 States or Defendant, and that will not be a basis for Defendant
- 17 to withdraw from this Plea Agreement or Defendant's guilty
- 18 plea.

19 4. Potential Immigration Consequences of Guilty Plea

20 If Defendant is not a citizen of the United States, Defendant understands the

21 following:

- 22 a. pleading guilty in this case may have immigration
- 23 consequences;
- 24 b. a broad range of federal crimes may result in Defendant's
- 25 removal from the United States, including the offense to which
- 26 Defendant is pleading guilty;
- 27 c. removal from the United States and other immigration
- 28 consequences are the subject of separate proceedings; and

d. no one, including Defendant's attorney or the Court, can predict with absolute certainty the effect of a federal conviction on Defendant's immigration status.

Defendant affirms that Defendant is knowingly, intelligently, and voluntarily pleading guilty as set forth in this Plea Agreement, regardless of any immigration consequences that Defendant's guilty plea may entail.

5. Denial of Federal Benefits

8 Defendant understands that by entering this plea of guilty, Defendant is no
9 longer eligible for assistance under any state program funded under part A of Title
10 IV of the Social Security Act (concerning Temporary Assistance for Needy
11 Families) or benefits under the food stamp program or any state program carried
12 out under the Food Stamp Act. 21 U.S.C. § 862a. Defendant also understands that
13 the Court may deny Defendant's eligibility for any grant, contract, loan,
14 professional license, or commercial license provided by an agency of the United
15 States or by appropriated funds of the United States. 21 U.S.C. § 862.

6. Waiver of Constitutional Rights

17 Defendant understands that by entering this guilty plea, Defendant is
18 knowingly and voluntarily waiving certain constitutional rights, including the
19 following:

- a. the right to a jury trial;
- b. the right to see, hear and question the witnesses;
- c. the right to remain silent at trial;
- d. the right to testify at trial; and
- e. the right to compel witnesses to testify.

25 While Defendant is waiving certain constitutional rights, Defendant
26 understands that Defendant retains the right to be assisted by an attorney through
27 the sentencing proceedings in this case and any direct appeal of Defendant's

1 conviction and sentence, and that an attorney will be appointed at no cost if
2 Defendant cannot afford to hire an attorney.

3 Defendant understands and agrees that any defense motions currently
4 pending before the Court are mooted by this Plea Agreement, and Defendant
5 expressly waives Defendant's right to bring any additional pretrial motions.

6 **7. Elements of the Offense**

7 The United States and Defendant agree that in order to convict Defendant of
8 Conspiracy to Distribute 500 Grams or More of Methamphetamine, in violation of
9 21 U.S.C. § 841(a)(1), (b)(1)(A)(viii); all in violation of 21 U.S.C. § 846, the
10 United States would have to prove the following beyond a reasonable doubt.

- 11 a. *First*, beginning on a date unknown, but by or on or about May
12 4, 2023, and continuing until on or about June 7, 2023, within
13 the Eastern District of Washington, there was an agreement
14 between two or more persons to distribute 500 grams or more
15 of a mixture or substance containing a detectable amount of
16 methamphetamine, a schedule II controlled substance; and
- 17 b. *Second*, the Defendant knowingly and intentionally joined in
18 the agreement knowing of its purpose and intending to help
19 accomplish that purpose.

20 **8. Factual Basis and Statement of Facts**

21 The United States and Defendant stipulate and agree to the following: the
22 facts set forth below are accurate; the United States could prove these facts beyond
23 a reasonable doubt at trial; and these facts constitute an adequate factual basis for
24 Defendant's guilty plea.

25 The United States and Defendant agree that this statement of facts does not
26 preclude either party from presenting and arguing, for sentencing purposes,
27 additional facts that are relevant to the Sentencing Guidelines computation or
28 sentencing, unless otherwise prohibited in this Plea Agreement.

1 Federal Bureau of Investigations Task Force members received reports that
2 Ronald Lee Ralston, Jr. and Defendant (Jesse Lee Johnson) were distributing large
3 quantities of methamphetamine and fentanyl from Ronald Ralston's residence in
4 Selah, WA.

5 As a result of their investigation, FBI Task Force members set up an
6 unsuccessful controlled buy between Ronald Ralston and Defendant on May 4,
7 2023. The confidential human source arrived at Ronald Ralston's residence in
8 Selah, WA, located in the Eastern District of Washington, and attempted to
9 purchase methamphetamine from Ronald Ralston. Ronald Ralston stated that the
10 methamphetamine that he had on hand was already spoken for and not available
11 for sale that day. However, Ronald Ralston and Defendant were both captured on
12 video discussing the future purchase of controlled substances to the confidential
13 human source.

14 Based on the previous discussion between the confidential human source,
15 Ronald Ralston, and Defendant discussing the future purchase of drugs, a second
16 controlled buy was set up on May 16, 2023. The confidential human source and
17 their vehicle were checked for contraband prior to the controlled buy. The
18 confidential human source was provided with \$2,000 in buy funds and an audio-
19 visual recorder. The audio-visual recorder was monitored during the conduct of
20 the controlled buy. The controlled buy took place at Ronald Ralston's residence
21 located in Selah, WA. As previously agreed between the parties, the confidential
22 human source arrived and Ronald Ralston gave the confidential human source
23 approximately a pound of methamphetamine. Defendant, Jesse Johnson, gave the
24 confidential human source approximately 100 pills of fentanyl. The confidential
25 human source handed Jesse Johnson the \$2,000 in buy funds. Ronald Ralston told
26 the confidential human source that he could get the confidential human source any
27 methamphetamine and fentanyl required with 24-hour notice. Ronald Ralston and
28 Jesse Johnson were seen with firearms during the controlled purchase. The

1 confidential human source then left the residence gave the drugs to law
2 enforcement, which were field tested and entered into evidence.

3 A search warrant was issued by the District Court for the Eastern District of
4 Washington and later executed by law enforcement on June 7, 2023 to search the
5 residence of Ronald Ralston for evidence related to drug distribution. In Ronald
6 Ralston's trailer located on the property, law enforcement located approximately
7 1.5 pounds of methamphetamine, other controlled substances, and two firearms.
8 Law enforcement found another firearm and approximately .5 pounds of
9 methamphetamine inside the main residence on the property.

10 Defendant stipulates that by on or about May 4, 2023 and continuing until
11 on or about June 7, 2023, within the Eastern District of Washington, that the
12 Defendant and Ronald Lee Ralston, Jr. knowingly and intentionally agreed and
13 conspired to distribute 500 grams or more of a mixture or substance containing a
14 detectable amount of methamphetamine, a schedule II controlled substance.

15 Defendant knowingly and intentionally joined in the agreement knowing of
16 its purpose and intending to help accomplish that purpose.

17 10. The United States' Agreements

18 The United States Attorney's Office for the Eastern District of Washington
19 agrees not to bring additional charges against Defendant based on information in
20 its possession at the time of this Plea Agreement that arise from conduct that is
21 either charged in the Indictment or identified in discovery produced in this case,
22 unless Defendant breaches this Plea Agreement before sentencing.

23 11. United States Sentencing Guidelines Calculations

24 Defendant understands and acknowledges that the United States Sentencing
25 Guidelines ("U.S.S.G." or "Guidelines") apply and that the Court will determine
26 Defendant's advisory range at the time of sentencing, pursuant to the Guidelines.
27 The United States and Defendant agree to the following Guidelines calculations.

28 a. Base Offense Level

1 The United States and the Defendant agree that the base offense level for
2 Conspiracy to Distribute 500 Grams or More of Methamphetamine is 34. U.S.S.G.
3 § 2D1.1(a)(5); (c)(3).

4 The United States and Defendant agree and stipulate that 1,187.941 grams of
5 pure methamphetamine and 70.67 net weight grams of fentanyl was possessed with
6 intent to distribute or actually distributed in furtherance of the criminal activity
7 jointly undertaken by Defendant and Ronald Lee Ralston; this amount was within
8 the scope of Defendant's agreement; this amount was reasonably foreseeable to
9 Defendant in connection with the conspiracy; and Defendant's relevant conduct for
10 sentencing purposes should be calculated based on this amount, pursuant to
11 U.S.S.G. § 1B1.3.

12 b. Special Offense Characteristics

13 The United States and the Defendant agree that the Defendant's base offense
14 level is increased by 2 levels for possessing a dangerous weapon. U.S.S.G.
15 § 2D1.1(b)(1).

16 c. Acceptance of Responsibility

17 The United States will recommend that Defendant receive a downward
18 adjustment for acceptance of responsibility, pursuant to U.S.S.G. § 3E1.1(a), (b), if
19 Defendant does the following:

- 20 i. accepts this Plea Agreement;
- 21 ii. enters a guilty plea at the first Court hearing that takes
22 place after the United States offers this Plea Agreement;
- 23 iii. demonstrates recognition and affirmative acceptance of
24 Defendant's personal responsibility for Defendant's
25 criminal conduct;
- 26 iv. provides complete and accurate information during the
27 sentencing process; and
- 28 v. does not commit any obstructive conduct.

1 The United States and Defendant agree that at its option and on written
2 notice to Defendant, the United States may elect not to recommend a reduction for
3 acceptance of responsibility if, prior to the imposition of sentence, Defendant is
4 charged with, or convicted of, any criminal offense, or if Defendant tests positive
5 for any controlled substance.

6 d. No Other Agreements

7 The United States and Defendant have no other agreements regarding the
8 Guidelines or the application of any Guidelines enhancements, departures, or
9 variances. Defendant understands and acknowledges that the United States is free
10 to make any sentencing arguments it sees fit, including arguments arising from
11 Defendant's uncharged conduct, conduct set forth in charges that will be dismissed
12 pursuant to this Agreement, and Defendant's relevant conduct.

13 e. Criminal History

14 The United States and Defendant have no agreement and make no
15 representations about Defendant's criminal history category, which will be
16 determined by the Court after the United States Probation Office prepares and
17 discloses a Presentence Investigative Report.

18 12. Incarceration

19 The United States agrees to recommend a sentence no higher than the low
20 end of the Guidelines, as calculated by the Court.

21 Defendant may recommend any legal sentence.

22 13. Supervised Release

23 The United States and Defendant each agree to recommend 5 years of
24 supervised release. Defendant agrees that the Court's decision regarding the
25 conditions of Defendant's Supervised Release is final and non-appealable; that is,
26 even if Defendant is unhappy with the conditions of Supervised Release ordered by
27 the Court, that will not be a basis for Defendant to withdraw Defendant's guilty
28

1 plea, withdraw from this Plea Agreement, or appeal Defendant's conviction,
2 sentence, or any term of Supervised Release.

3 The United States and Defendant agree to recommend that in addition to the
4 standard conditions of supervised release imposed in all cases in this District, the
5 Court should also impose the following conditions:

- 6 a. The United States Probation Officer may conduct, upon
7 reasonable suspicion, and with or without notice, a search of
8 Defendant's person, residences, offices, vehicles, belongings,
9 and areas under Defendant's exclusive or joint control.
- 10 b. Defendant shall participate and complete such drug testing and
11 drug treatment programs as the Probation Officer directs.
- 12 c. Defendant shall complete mental health evaluations and
13 treatment, including taking medications prescribed by the
14 treatment provider. Defendant shall allow reciprocal release of
15 information between the Probation Officer and the treatment
16 provider. Defendant shall contribute to the cost of treatment
17 according to the Defendant's ability.

18 14. Judicial Forfeiture

19 Defendant, JESSE LEE JOHNSON, agrees to voluntarily forfeit and
20 relinquish all right, title and interest he has in the following listed assets to the
21 United States:

22 - a box of Winchester Silvertip 9 mm Luger, containing 20 rounds of
23 ammunition.

24 Defendant acknowledges that the assets listed above are subject to forfeiture
25 to the United States pursuant to 21 U.S.C. § 853 for the offense Conspiracy to
26 Distribute 500 Grams or More of Methamphetamine, in violation of 21 U.S.C. §
27 841(a)(1), (b)(1)(A)(viii); all in violation of 21 U.S.C. § 846.

1 Defendant agrees to take all steps as requested by the United States to pass
2 clear title to the assets to the United States and to testify truthfully in any forfeiture
3 proceeding. Defendant agrees to hold all law enforcement agents and the United
4 States, its agents, and its employees harmless from any claims whatsoever arising
5 in connection with the seizure, abandonment, or forfeiture of any asset covered by
6 this agreement.

7 Defendant further agrees to waive all constitutional and statutory challenges
8 in any manner (including direct appeal, habeas corpus, or any other means) to any
9 forfeiture carried out in accordance with this Plea Agreement on any grounds,
10 including that the forfeiture constitutes an excessive fine or punishment. Defendant
11 knowingly and voluntarily waives his right to a jury trial on the forfeiture of the
12 asset(s). Defendant waives oral pronouncement of forfeiture at the time of
13 sentencing, and any defects that may pertain to the forfeiture.

14 Defendant waives further notice of any federal, state or local proceedings
15 involving the forfeiture of the seized assets the Defendant is agreeing to forfeit in
16 this Plea Agreement.

17 15. Criminal Fine

18 The United States and Defendant may make any recommendation
19 concerning the imposition of a criminal fine. Defendant acknowledges that the
20 Court's decision regarding a fine is final and non-appealable; that is, even if
21 Defendant is unhappy with a fine ordered by the Court, that will not be a basis for
22 Defendant to withdraw Defendant's guilty plea, withdraw from this Plea
23 Agreement, or appeal Defendant's conviction, sentence, or fine.

24 16. Mandatory Special Penalty Assessment

25 Defendant agrees to pay the \$100 mandatory special penalty assessment to
26 the Clerk of Court for the Eastern District of Washington, pursuant to 18 U.S.C.
27 § 3013.

1 17. Payments While Incarcerated

2 If Defendant lacks the financial resources to pay the monetary obligations
3 imposed by the Court, Defendant agrees to earn money toward these obligations by
4 participating in the Bureau of Prisons' Inmate Financial Responsibility Program.

5 18. Additional Violations of Law Can Void Plea Agreement

6 The United States and Defendant agree that the United States may, at its
7 option and upon written notice to the Defendant, withdraw from this Plea
8 Agreement or modify its sentencing recommendation if, prior to the imposition of
9 sentence, Defendant is charged with or convicted of any criminal offense or tests
10 positive for any controlled substance.

11 19. Waiver of Appeal Rights

12 Defendant understands that Defendant has a limited right to appeal or
13 challenge Defendant's conviction and the sentence imposed by the Court.

14 Defendant expressly waives all of Defendant's rights to appeal Defendant's
15 conviction and the sentence the Court imposes, except as follows. In return for the
16 concessions that the United States has made in this Plea Agreement, Defendant
17 agrees to waive Defendant's right to appeal Defendant's conviction and sentence if
18 the Court imposes a term of imprisonment within the sentencing guideline range as
19 calculated by the Court.

20 If the Court indicates its intent to impose a sentence above sentencing
21 guideline range as calculated by the Court, then Defendant: (a) may appeal only
22 Defendant's sentence, but not Defendant's conviction; (b) may appeal Defendant's
23 sentence only if it exceeds the high end of the Guidelines range determined by the
24 Court; and (c) may appeal only the substantive reasonableness of Defendant's
25 sentence.

26 Defendant expressly waives Defendant's right to appeal any fine, term of
27 supervised release, or restitution order imposed by the Court.

1 Defendant expressly waives the right to file any post-conviction motion
2 attacking Defendant's conviction and sentence, including a motion pursuant to 28
3 U.S.C. § 2255, except one based on ineffective assistance of counsel arising from
4 information not now known by Defendant and which, in the exercise of due
5 diligence, Defendant could not know by the time the Court imposes sentence.

6 Nothing in this Plea Agreement shall preclude the United States from
7 opposing any post-conviction motion for a reduction of sentence or other attack
8 upon the conviction or sentence, including, but not limited to, writ of habeas
9 corpus proceedings brought pursuant to 28 U.S.C. § 2255.

10 20. Withdrawal or Vacatur of Defendant's Plea

11 Should Defendant successfully move to withdraw from this Plea Agreement
12 or should Defendant's conviction be set aside, vacated, reversed, or dismissed
13 under any circumstance, then:

- 14 a. this Plea Agreement shall become null and void;
- 15 b. the United States may prosecute Defendant on all available
16 charges;
- 17 c. The United States may reinstate any counts that have been
18 dismissed, have been superseded by the filing of another
19 charging instrument, or were not charged because of this Plea
20 Agreement; and
- 21 d. the United States may file any new charges that would
22 otherwise be barred by this Plea Agreement.

23 The decision to pursue any or all of these options is solely in the discretion
24 of the United States Attorney's Office.

25 Defendant agrees to waive any objections, motions, and/or defenses
26 Defendant might have to the United States' decisions to seek, reinstate, or reinitiate
27 charges if a count of conviction is withdrawn, set aside, vacated, reversed, or

1 dismissed, including any claim that the United States has violated Double
2 Jeopardy.

3 Defendant agrees not to raise any objections based on the passage of time,
4 including but not limited to, alleged violations of any statutes of limitation or any
5 objections based on the Speedy Trial Act or the Speedy Trial Clause of the Sixth
6 Amendment.

7 21. Integration Clause

8 The United States and Defendant acknowledge that this document
9 constitutes the entire Plea Agreement between the United States and Defendant,
10 and no other promises, agreements, or conditions exist between the United States
11 and Defendant concerning the resolution of the case.

12 This Plea Agreement is binding only on the United States Attorney's Office
13 for the Eastern District of Washington, and cannot bind other federal, state, or local
14 authorities.

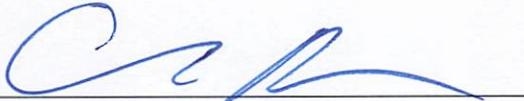
15 The United States and Defendant agree that this Agreement cannot be
16 modified except in a writing that is signed by the United States and Defendant.

17

18 Approvals and Signatures

19 Agreed and submitted on behalf of the United States Attorney's Office for
20 the Eastern District of Washington.

21 Vanessa R. Waldref
22 United States Attorney

23 

24 Christopher J. Bridger
25 Assistant United States Attorney

26 Date

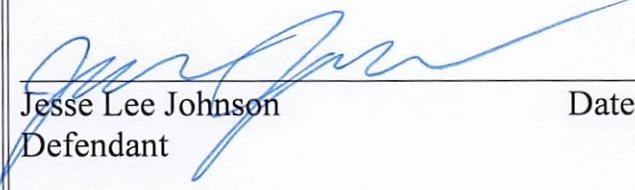
27 

28 I have read this Plea Agreement and I have carefully reviewed and discussed
29 every part of this Plea Agreement with my attorney. I understand the terms of this
30 Plea Agreement. I enter into this Plea Agreement knowingly, intelligently, and

1 voluntarily. I have consulted with my attorney about my rights, I understand those
2 rights, and I am satisfied with the representation of my attorney in this case. No
3 other promises or inducements have been made to me, other than those contained
4 in this Plea Agreement. No one has threatened or forced me in any way to enter
5 into this Plea Agreement. I agree to plead guilty because I am guilty.

6

7

8 
Jesse Lee Johnson
9 Defendant

Date

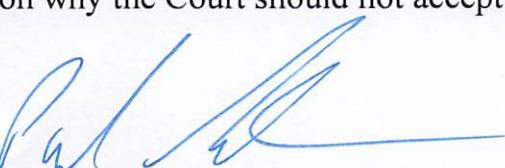
11-28-23

10

11 I have read the Plea Agreement and have discussed the contents of the
12 agreement with my client. The Plea Agreement accurately and completely sets
13 forth the entirety of the agreement between the parties. I concur in my client's
14 decision to plead guilty as set forth in the Plea Agreement. There is no legal
15 reason why the Court should not accept Defendant's guilty plea.

16

17

18 
Paul Shelton
19 Attorney for Defendant

Date

20

21

22

23

24

25

26

27

28